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TOR:021522Z JUL 76

*NY Summer Session
Straits
Greece*

R 020224Z JUL 76
 FM SECSTATE WASHDC
 TO AMEMBASSY ATHENS 6581
 BT
 C O N F I D E N T I A L STATE 164674
 E.O. 11652: GDS
 TAGS: PLOS
 SUBJECT: LOS:STRAITS

REFERENCES: (A) ATHENS 4825, (B) ATHENS 6277
 1. DEPARTMENT HAS REVIEWED GOG MEMORANDUM ON STRAITS REFERRED TO REFTELS. GOG PROPOSALS CANNOT RPT CANNOT FORM THE BASIS FOR AGREEMENT AND CONTRADICT FUNDAMENTAL NATIONAL SECURITY OBJECTIVES OF US IN THE LOS CONFERENCE. CONFERENCE RECOGNIZES AND REVISED SINGLE NEGOTIATING TEXT (RSNT) REFLECTS BROAD AGREEMENT ON REGIME OF TRANSIT PASSAGE THROUGH, OVER, AND UNDER STRAITS USED FOR INTERNATIONAL NAVIGATION. GREEK PROPOSAL TO DELETE OVERFLIGHT AND SUBMERGED TRANSIT PROVISIONS CANNOT FORM BASIS FOR AGREEMENT. ARTICLES ON STRAITS REGIME IN RSNT ARE A REASONABLE BALANCE BETWEEN THE INTERESTS OF THE STRAITS STATE AND THE INTERNATIONAL COMMUNITY. US POSITION WAS PUT FORTH AT US - GREEK BILATERAL MEETING IN FEBRUARY IN BRUSSELS AS WELL AS AT RECENT LOS SESSION IN NEW YORK.
 2. GREEK PROPOSAL TO LIMIT PASSAGE TO CERTAIN NUMBER OF STRAITS IS VIOLENTLY OPPOSED BY USSR. FYI. SOLID US/ SOVIET COOPERATION HAS BEEN THE BASE ON WHICH WE HAVE SUCCESSFULLY NEGOTIAED THIS ISSUE THUS FAR. END FYI. PROFESSED GREEK CONCERNS REGARDING TURKISH OVERFLIGHT DO NOT MAKE MILITARY SENSE; AIRCRAFT INTENT ON ATTACKING GREEK TERRITORY COULD ARRIVE THERE IN A MATTER OF MINUTES EVEN FROM TURKEY. MOREOVER, STRAITS ARTICLES SPECIFICALLY PROHIBIT THREAT OR USE OF FORCE AGAINST SOVEREIGNTY, TERRITORIAL INTEGRITY, OR POLITICAL INDEPENDENCE OF STATE BORDERING STRAIT IN VIOLATION OF UN CHARTER. FINALLY, TRANSIT PASSAGE BY DEFINITION MUST BE CONTINUOUS AND EXPEDITIOUS (ARTICLE 37(2)). WE FIND IT DIFFICULT TO CONCEIVE OF JUSTIFYING PURELY CIRCULAR MEANDERING AROUND THE ISLANDS AS TRANSIT PASSAGE.
 3. IN THEORY, LIMITING PASSAGE TO CERTAIN CORRIDORS WOULD REDUCE PATROL BURDEN. HOWEVER, THIS IS ONLY TRUE

C O N F I D E N T I A L

State Dept. review completed

Approved For Release 2002/09/03 : CIA-RDP82S00697R000400170014-3

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IF ONE ASSUMES NO INTENT TO BREAK THE RULES ON THE PART
OF THE USERS; OUR UNDERSTANDING IS THAT ONE GREEK CONCERN
IS THAT SOME LIKELY USERS WILL NOT RPT NOT NECESSARILY
OBEY THE RULES.
4. EMBASSY SHOULD, AS APPROPRIATE, IN MAKING RESPONSE TO
GOG INQUIRIES, DRAW UPON POINTS PARAS (1) THROUGH (3). KISSINGER